General Assembly

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Resolution adopted by the General Assembly on 23 December 2015

[*on the report of the Third Committee (A/70/489/Add.3)*]

70/233. Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other relevant human rights instruments, and recalling its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 69/248 of 29 December 2014, those of the Commission on Human Rights and those of the Human Rights Council, the most recent of which are resolutions 28/23 of 27 March 2015[3] and 29/21 of 3 July 2015,[4]

Welcoming the report of the Secretary-General on the situation of human rights in Myanmar[5] and the facilitation by the Government of Myanmar of the visits of his Special Adviser to the country from 15 to 20 January, from 24 to 26 February, from 17 to 22 March, from 22 May to 6 June, on 6 and 7 August and from 12 to 16 October 2015,

Welcoming also the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in Myanmar[6] and the access granted to her during her visits to Myanmar from 7 to 16 January and from 3 to 7 August 2015,

1. *Welcomes* the continued positive developments in Myanmar towards political and economic reform, democratization and national reconciliation, good governance and the rule of law and the efforts to promote and protect human rights, recognizes the scale of the reform effort undertaken to date, and encourages the Government of Myanmar to take further steps to consolidate the progress made and address outstanding concerns;

2. *Also welcomes* the peaceful and competitive conduct of the elections on 8 November 2015, the participation in voting of large numbers of the people of

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] See *Official Records of the General Assembly, Seventieth Session, Supplement No. 53* (A/70/53), chap. III, sect. A.

[4] Ibid, chap. V, sect. A.

[5] A/70/332 and Corr.1.

[6] A/70/412.

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Myanmar and the efforts made towards ensuring a credible electoral process, commends this significant step towards democracy, encourages the authorities to continue to ensure a transparent approach in subsequent stages of the electoral process, further welcomes the invitation and access given to domestic and international observer organizations to monitor the elections by the Government of Myanmar and the Union Election Commission, and encourages the authorities to implement the recommendations made by those organizations to further strengthen Myanmar's electoral process;

3. *Expresses serious concern* over, and encourages action to address, political disenfranchisement and discriminatory disqualification of candidates, including with respect to members of the Rohingya community and persons belonging to religious and ethnic minorities;

4. *Encourages* continued efforts by parties to engage in early, constructive and inclusive dialogue towards a smooth transition to the next government, and calls upon all stakeholders to cooperate in ensuring that, during the period between the final election announcement and the formation of the next government, there is an atmosphere of calm and restraint, with respect for all human rights and fundamental freedoms, as well as the rule of law;

5. *Stresses* that the right to freedom of thought, conscience and religion or belief applies equally to all persons, regardless of their religion or belief and without any discrimination as to their equal protection under the law;

6. *Calls upon* all actors to sustain the democratic transition of Myanmar by bringing all national institutions, including the military, under a democratically elected, fully representative civilian government;

7. *Welcomes* the steps taken to strengthen good governance and the rule of law, and calls upon the Government of Myanmar to continue such efforts, especially through continued constitutional, legislative, judicial and institutional reform, and recalls the importance of ensuring, including through the revision of laws, that existing and new legislation is fully compatible with democratic principles and human rights obligations and commitments, including, as part of those obligations, the right to freedom of religion or belief, the human rights of women and children and the rights of persons belonging to minorities;

8. *Recalls* the handling of certain demonstrations, and encourages the Government of Myanmar to continue its efforts to fulfil its human rights obligations and commitments to protect the right to freedom of expression, association and peaceful assembly, to create and maintain a safe and enabling environment for civil society and independent media and to take appropriate steps to ensure the safety and security of journalists, civil society activists and human rights defenders and their freedom to pursue their activities;

9. *Welcomes* the recent release of some prisoners of conscience, while urging the Government of Myanmar to resume working with the political prisoner review committee and to fulfil its commitment to the unconditional release of all political prisoners, including those recently detained or convicted, and to provide for the full rehabilitation of former prisoners of conscience;

10. *Urges* the Government of Myanmar to step up its efforts to end remaining human rights violations and abuses, including arbitrary arrest and detention, forced displacement, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment, arbitrary deprivation of property, including land, and violations of international humanitarian law in some parts of the country,

and repeats its call upon the Government to take necessary measures to ensure accountability and end impunity;

11. *Welcomes* the signing of the nationwide ceasefire agreement by the Government of Myanmar with eight armed groups as a significant step and as progress towards initiating an inclusive and comprehensive national political dialogue with the objective of achieving lasting peace, encourages the Government and remaining non-signatory ethnic armed groups to continue discussions towards realizing the signing of the agreement, and urges all parties to end violence and to fully implement existing ceasefire agreements, including by protecting individuals against ongoing violations and abuses of human rights and violations of international humanitarian law and by granting safe, timely, full and unhindered humanitarian access to all areas;

12. *Urges* the Government of Myanmar to intensify its efforts to address discrimination, human rights violations, displacement and economic deprivation affecting members of various ethnic and religious minorities and stateless populations, and to counter incitement to hatred and hate speech leading to violence, and expresses concern over the recent enactment of four laws relating to issues of race and religion and continuing concern over the 1982 Citizenship Law;

13. *Calls upon* the Government of Myanmar to ensure the rule of law and to further increase its efforts to promote tolerance and peaceful coexistence in all sectors of society by, inter alia, further facilitating interfaith and intercommunal dialogue, and to issue identity documents that secure the legal status and rights of all former white-card holders in accordance with the Government's international commitments to respect human rights without discrimination of any kind;

14. *Reiterates its serious concern* about the situation of the Rohingya in Rakhine State and of other minorities subject to marginalization and instances of human rights violations and abuses, and calls upon the Government of Myanmar to protect the human rights and fundamental freedoms of all individuals, including persons belonging to the Rohingya minority, to allow for self-identification, to ensure equal access to full citizenship and related rights, including civil and political rights, for all stateless persons, freedom of movement, as well as the safe and voluntary return of internally displaced persons to their communities of origin, and rapid and unhindered access to humanitarian assistance without discrimination, to ensure equal access to services, particularly health and education, the right to marry and birth registration and to undertake full, transparent and independent investigations into all reports of human rights violations and abuses in order to ensure accountability and bring about reconciliation;

15. *Calls upon* the Government of Myanmar to ensure its full cooperation with all parties and to allow full access for humanitarian assistance to affected persons and communities, and in this regard urges the Government to implement the various cooperation agreements not yet implemented, made between the authorities of Myanmar and the international community for the distribution of humanitarian aid to all affected areas, including Rakhine State, without discrimination;

16. *Underlines its strong concern* at the plight of migrants, including asylum seekers, and refugees in the Andaman Sea and the Bay of Bengal and travelling along land routes, and, welcoming the commitment by Governments in the region to provide temporary shelter and protection for refugees, encourages the continued efforts of the Government of Myanmar, other countries in the region, regional organizations and the international community to save lives, to take appropriate measures to prevent and counter trafficking in persons and the smuggling of all

categories of migrants, while extending protections to victims of trafficking and smuggled migrants, and to address the root causes of this migration;

17. *Welcomes* the recent signature by the Government of Myanmar of the International Covenant on Economic, Social and Cultural Rights[2] and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,[7] and the Government's progress towards ending the recruitment and use of child soldiers, encourages consideration of the ratification of additional international human rights conventions, including the International Covenant on Civil and Political Rights[2] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[8] also welcomes the engagement of the Government with the United Nations, regional organizations and other actors, and encourages the full implementation of relevant agreements and commitments, notably the 2012 action plan to end and prevent the recruitment and use of children by the armed forces and the commitment to end forced labour by 2015;

18. *Urges* the Government of Myanmar to further facilitate the work of the Special Rapporteur of the Human Rights Council on the situation of human rights in Myanmar and to grant her unimpeded access to the country, bearing in mind the lack of such access, including to Rakhine State, during her last visit, and to fulfil its commitment, without further delay, to establish a country office with a full mandate and in accordance with the mandate of the United Nations High Commissioner for Human Rights;

19. *Encourages* the international community to continue to support the Government of Myanmar in the fulfilment of its international human rights and international humanitarian law obligations and commitments, the implementation of its democratic transitional process, its economic and social development and its efforts towards achieving lasting peace;

20. *Requests* the Secretary-General:

(*a*) To continue to provide his good offices and to pursue his discussions on human rights, democracy and reconciliation in Myanmar, involving all relevant stakeholders, and to offer technical assistance to the Government of Myanmar in this regard, bearing in mind the considerations contained in his report of 19 August 2015 relating to the future of the mandate of his Special Adviser on Myanmar;[9]

(*b*) To give all assistance necessary to enable the Special Adviser to the Secretary-General on Myanmar and the Special Rapporteur on the situation of human rights in Myanmar to discharge their mandates fully, effectively and in a coordinated manner;

(*c*) To report to the General Assembly at its seventy-first session, as well as to the Human Rights Council, on the progress made in the implementation of the present resolution;

21. *Decides* to remain seized of the matter on the basis of the reports of the Secretary-General and the Special Rapporteur.

82nd plenary meeting
23 December 2015

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[7] United Nations, *Treaty Series*, vol. 2173, No. 27531.

[8] Ibid., vol. 1465, No. 24841.

[9] A/70/332 and Corr.1, para. 45.